

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,

v.

JESUS MEDRANO.

No. 09 CR 669-14
Judge James B. Zagel

MEMORANDUM OPINION AND ORDER

The defendant seeks a reduced sentence, but because of the large quantity of cocaine involved, this cannot occur.

Where application of the pertinent amendment does not result in a different sentencing range, no reduction of sentence may occur. *See, e.g., United States v. Brown*, 559 Fed. Appx. 580 (7th Cir. 2014) (no reduction because defendant was sentenced under the career offender guideline); *United States v. Williams*, 694 F.3d 917, 918 (7th Cir. 2012) (same); *United States v. Griffin*, 652 F.3d 793, 803 (7th Cir. 2011) (same); *United States v. Forman*, 553 F.3d 585, 589-90 (7th Cir. 2009) (same).

This limitation is a straightforward application of the statutory text: Section 3582(c) applies only to defendants who were “sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered” by a retroactive amendment. § 3582(c)(2).

Specifically, here, the drug quantity involved in the offense was so large that the defendant’s base offense level remains a Level 38, even under the new drug quantities listed in Guideline § 2D1.1(c). The new quantity of cocaine required for a Level 38 is 450 kilograms, and the defendant admitted in his plea agreement that his offense involved at least 2,400 kilograms of cocaine: “For example, from 2003 to 2004, MEDRANO delivered approximately 50-100 kilograms of cocaine, approximately twice per month, to member of the Flores DTO, including

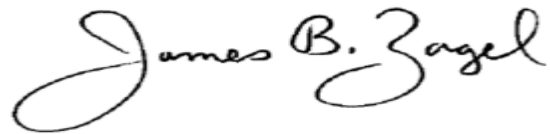
Cesar Perez, Jorge Llamas and Antonio Aguilera.” R. 228 at p. 3. *See* Presentence Report at 7.

Fifty kilograms, delivered twice per month for 24 months, equals 2,400 kilograms of cocaine.

Therefore, Defendant’s Guidelines range is unaffected by the amendment and his sentence will remain the same.

Defendant’s motion for reduction of sentence is denied.

ENTER:

A handwritten signature in black ink that reads "James B. Zagel". The signature is written in a cursive, flowing style with a large initial "J" and "Z".

James B. Zagel
United States District Judge

DATE: May 24, 2016